

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

LANELL CARTER,
Plaintiff,

v.

**JOHN DOE AND ROEHL
REFRIGERATED TRANSPORT, LLC,**
Defendants.

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CIVIL ACTION NO. 4:22-CV-00123

DEFENDANT’S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. 1332, 1441 and 1446, Defendant Roehl Refrigerated Transport, LLC (improperly identified – as its proper name is Roehl Refrigerated Transport, Inc.) (“Defendant”) files this Notice of Removal from the 17th Judicial District Court of Tarrant County, Texas, to the United States District Court for the Northern District of Texas, Fort Worth Division, and respectfully states the following:

State Court Action

1. On December 7, 2021, Plaintiff Lanell Carter (“Plaintiff”) initiated this action by filing Plaintiff’s Original Petition (the “Petition”), Cause No. 017-330721-21, in the 17th Judicial District Court of Tarrant County, Texas (the “State Court Action”) against Defendant and John Doe. Plaintiff asserts claims of negligence, gross negligence, and negligence per se against John Doe and *respondeat superior*, negligence/negligence *per se* and gross negligence against Defendant for injuries allegedly sustained by Plaintiff in an automobile accident.

Timeliness of Removal

2. Defendant was served with Plaintiff's Petition on January 17, 2021.

3. Defendant files this Notice of Removal within thirty days after receipt of service of Plaintiff's Petition. Thus, pursuant to 28 U.S.C. 1446(b), Defendant's removal of this action is timely.

Grounds for Removal

4. Pursuant to 28 U.S.C. 1441(a), the State Court Action may be removed to this Court because this Court has original jurisdiction of the claims and parties in the State Court Action under 28 U.S.C. 1332. The United States District Court for the Northern District of Texas, Fort Worth Division, is the proper venue for this action because it presides over the district and division within which the State Court Action was filed (Tarrant County). *See* 28 U.S.C. 1441(a).

5. Plaintiff is a resident and citizen of the State of Texas. *See* Plaintiff's Original Petition attached hereto as Exhibit A-2.

6. Defendant is a Wisconsin corporation with its principal place of business in Marshfield, WI. Thus, Defendant is a citizen of Wisconsin.

7. John Doe has not been identified or served but is believed to be a resident and citizen of Illinois and in any event, is not a resident of Texas. As of this filing, Doe has not been served with process in the State Court Action.

8. Complete diversity of citizenship therefore exists between Plaintiff and Defendant.

9. The amount in controversy exceeds \$75,000, excluding interest, costs and attorney's fees. *See* Plaintiff's Original Petition, attached hereto as Exhibit A-2, indicating that Plaintiff seeks damages in excess of \$250,000.00.

Required Documents

10. The following documents are attached in accordance with LR81:
 - a. A completed civil cover sheet;
 - b. A supplemental civil cover sheet; and
 - c. A notice of removal with a copy of each of the following:
 - i. an index of all documents that clearly identifies each document and indicates the date the document was filed in state court, attached hereto as Exhibit A;
 - ii. a copy of the docket sheet in the state court action, attached hereto as Exhibit A-1;
 - iii. each document filed in the state court action, except discovery material, attached hereto as Exhibits A-2 through A-7; and
 - iv. a separately signed certificate of interested persons.

Notice of Removal

11. Pursuant to 28 U.S.C. 1446(d), written notice of the filing of this Notice of Removal to all adverse parties and a true and correct copy of this Notice of Removal will be filed with the Clerk of the 17th Judicial District Court of Tarrant County, Texas.

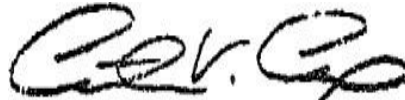
Request for Relief

12. Defendant requests the following relief:
 - a. That the Court make such orders, if any, and take such action, if any, as may be necessary in connection with the removal of the State Court Action to this Court; and

- b. Such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

COX P.L.L.C



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**ATTORNEYS FOR DEFENDANT ROEHL
REFRIGERATED TRANSPORT, LLC**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on all counsel of records, in accordance with the Federal Rules of Civil Procedure on this the 16th day of February, 2022.

/s/ Gregory R. Brenner
Gregory R. Brenner